

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-02

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-12

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

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SUBJ LOS:SEABED MEETING, SUBCMTE II WORKING GROUP, JULY 10, 1973

1. SUMMARY. SUBCOMTE II WORKING GROUP (WG) CONTINUED DISCUSSION OF ITEMS ON CONTINENTAL SHELF AND ECONOMIC ZONE. VARIETY OF VIEWS WERE EXPRESSED ON QUESTION OF LIMITS FOR CONTINENTAL SHELF AND EXISTING INTERNATIONAL LAW REGARDING SEABED RESOURCES.

2. DETAILS. CHAIRMAN REVIEWED PRIOR MEETING RESULTS. HE SPECIFICALLY REFERRED TO INFORMAL GROUP CONSISTING OF NIGERIA, TANZANIA, KENYA, COLOMBIA, MEXICO, VENEZUELA, AUSTRALIA AND "SEVERAL OTHERS" WHICH WAS MEETING TO BRING THEIR POINTS OF VIEW CLOSER TOGETHER, PARTICULARLY IN LIGHT OF SANTO DOMINGO ARTICLES AND RECENT OAU DECLARATION.

3. SPAIN DISCUSSED DOCTRINE OF CONTINENTAL SHELF, REFERRING ONLY INDIRECTLY TO ECONOMIC ZONE. REP NOTED UNCLASSIFIED

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THAT DEFINITION OF LIMITS IN CONTINENTAL SHELF CONVENTION

WAS INADEQUATE AND SPAIN FAVORED USE OF DISTANCE CRITERION. FOUR APPROACHES TO CONTINENTAL SHELF WERE IDENTIFIED. FIRST INVOLVED ARGENTINE SUGGESTION OF ZONE OF NATIONAL JURISDICTION FOR RENEWABLE RESOURCES COUPLED WITH CONTINENTAL SHELF DOCTRINE FOR SEABED RESOURCES WHICH WOULD EXTEND BEYOND 200 MILES. SECOND WAS CONTAINED IN SANTO DOMINGO ARTICLES IN WHICH PATRIMONIAL SEA APPLIED UNLESS CONTINENTAL SHELF EXTENDED BEYOND 200 MILES IN WHICH CASE SHELF CONVENTION APPLIED. THIRD WAS OUTLINED IN KENYA DRAFT AND OAU DECLARATION WHICH CONTEMPLATED UNIFIED REGIME FOR CONTINENTAL SHELF AND FISHERIES. FOURTH COULD BE ECONOMIC ZONE OF UP TO 200 MILES AND BOTH FISHERIES AND MINERAL JURISDICTION BEYOND IN "EXCEPTIONAL" CASES. SPANISH REP COMMENTED WITH SATISFACTION UPON INFORMAL GROUP WHICH WAS GETTING TOGETHER AND STATED THAT FURTHER INFORMAL GROUPS COULD BE ESTABLISHED FOR STATES WITH SPECIAL INTEREST IN PARTICULAR ISSUES.

4. KENYA SUGGESTED DOING AWAY WITH CONCEPT OF EXPLOITABILITY IN SHELF CONVENTION. EVEN IF SOME STATES HAD EXPLOITED CONTINENTAL MARGIN, THIS SHOULD NOT PRECLUDE CONFERENCE FROM SETTING LIMITS. REP WAS OPPOSED TO "APPROPRIATION" OF CONTINENTAL SLOPE AND RISE AND FAVORED A DISTANCE, NOT GEOMORPHOLOGICAL CRITERION. IT WOULD BE UNFAIR FOR AFRICA TO LEAVE INTERNATIONAL COMMUNITY ONLY WITH ABYSSAL OCEAN PLAIN RESOURCES THEY WOULD NOT BE AS IMMEDIATELY AVAILABLE FOR BENEFIT SHARING AS SLOPE AND RISE RESOURCES WOULD BE.

5. PERU BELIEVED THAT CONTINENTAL SHELF SHOULD BE CONSIDERED UNDER ECONOMIC ZONE. REP WAS CONCERNED WITH RIGHTS OF SOVEREIGNTY FOR COASTAL STATE TO CONTINENTAL SHELF FOR EXPLORATION AND EXPLOITATION AS WELL AS REGULATION OF MARINE POLLUTION, SCIENTIFIC RESEARCH AND OFFSHORE INSTALLATIONS. PERU BELIEVED IN UNIFIED CONCEPT PROVIDING FOR MAXIMUM LIMIT OF 200 MILES WITH SINGLE EXCEPTION FOR CONTINENTAL SHELF EXTENDING BEYOND 200 MILES.

6. INDIA POINTED OUT THAT IT HAD LARGE CONTINENTAL SHELF AND MUCH LARGER CONTINENTAL MARGIN. REP DOUBTED WHETHER

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ANY COUNTRY PRESENTLY EXERCISED LEGAL RIGHTS OVER SLOPE AND RISE BUT WOULD GIVE CONSIDERATION TO ANY SUCH VESTED RIGHTS. WHILE IT WOULD BE IN INDIA'S INTERESTS TO CLAIM CONTINENTAL MARGIN, GOVERNMENT HAD DECIDED ON UNIFORM DISTANCE CRITERION OF 200 MILES. TENTATIVE VIEW WAS THAT IF RIGHTS EXTENDED BEYOND 200 MILES PREFERENCE SHOULD BE GIVEN TO COASTAL STATES TO EXPLOIT ON BEHALF OF SEABED AUTHORITY. IF OTHER STATES DID NOT MAKE SIMILAR SACRIFICE,

THERE SHOULD BE NOTHING LEFT OF ECONOMIC SIGNIFICANCE IN INTERNATIONAL SEABED AREAS.

7. JAPAN'S PRELIMINARY VIEW WAS TO FAVOR SINGLE AND UNIFORM CRITERION OF DISTANCE FOR CONTINENTAL SHELF. REP POINTED OUT THAT FREEDOM OF FISHING WAS ALSO ONE OF ACQUIRED RIGHTS UNDER 1958 GENEVA CONVENTION; AND CONFERENCE COULD NOT RECOGNIZE ONE ACQUIRED RIGHT WITHOUT RECOGNIZING OTHER ACQUIRED RIGHTS UNDER EXISTING LAW.

8. NORWAY EMPHASIZED THAT CONTINENTAL SHELF DEFINITION WAS BASED ON TECHNOLOGICAL NOT GEOLOGICAL CRITERION. THIS WAS IMPORTANT TO KEEP IN MIND WHEN EXAMINING WHETHER OR NOT RIGHTS SHOULD EXTEND TO SLOPE AND RISE. IN ADDITION, CONTINENTAL SHELF RIGHTS WERE NOT ONLY A PART OF GENEVA CONVENTION BUT WERE ALSO PART OF CUSTOMARY INTERNATIONAL LAW.

9. TURKISH REP STRESSED THAT 200 MILE CRITERION SHOULD NOT BE APPLICABLE IN AREAS WITH SPECIAL FEATURES SUCH AS MEDITERRANEAN AND BLACK SEA. "OCEANIC COUNTRIES" SHOULD GIVE SPECIAL CONSIDERATION TO STATES WHICH BORDERED SEMI ENCLOSED SEAS. REP ALSO NOTED THAT MINERALS SUSPENDED IN WATER COLUMN WERE NOT INCLUDED IN GENEVA CONVENTION. TURKEY FAVORED REGIONAL AGREEMENT FOR BIOLOGICAL RESOURCES AND FREEDOM OF NAVIGATION IN AREAS WHERE COASTAL STATES EXERCISED SOVEREIGN RIGHTS OVER NATURAL RESOURCES. REP ALSO REMINDED DELEGATES OF DELIMINATION PROBLEMS WHICH WOULD ARISE WITH NEW CRITERIA FOR RESOURCE JURISDICTION.

10. TANZANIAN REP NOTED THAT INTERNATIONAL COMMUNITY HAD INTEREST IN OCEAN AND LANDLOCKED STATES HAD INTEREST IN RESOURCES OF SEA AS WELL AS ACCESS TO MARITIME AREAS. HE INDICATED THAT INTERMEDIATE ZONE HAD NOT BEEN UNCLASSIFIED

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WELL-RECEIVED AND THAT TO GIVE COASTAL STATES RIGHTS DOWN TO CONTINENTAL RISE WOULD BE ABANDONING IDEA OF PROTECTING COMMON HERITAGE CONCEPTS. HE VIEWED WITH APPREHENSION ALLOWING RIGHTS TO GO BEYOND 200 METERS.

11. CANADA FELT DEPTH CRITERION WAS NOT USEFUL. REP REMINDED DELEGATES OF CANADIAN OFFER TO SHARE REVENUES FROM INTERNAL WATERS OUTWARD. HE STRESSED THAT RESOURCE RIGHTS SHOULD NOT BE TERRITORIAL IN NATURE AND DISTINGUISHED ACQUIRED RIGHTS FOR COASTAL STATES FROM THOSE LODGED IN INTERNATIONAL COMMUNITY. HE STATED THAT DUE TO CONTINENTAL DRIFT THERE COULD BE PETROLEUM RESOURCES BEYOND CONTINENTAL RISE AND THAT DELEGATES SHOULD NOT NECESSARILY CONCLUDE THAT DEEP SEABED CONTAINED NO MEANINGFUL RESOURCES. BASSIN

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